

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.4146 OF 2006

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Dated: 03-03-2006

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Between

M.G. Road (Bunder Road) Building

Owners & Tenants Welfare Association

(Registration No.37/2006), Rep. by its

Joint Secretary, B.H. Bala Subba Rao,

S/o. Veerabhadra Rao, R/o. Vijayawada

Krishna District.

...PETITIONER

AND

The Government of Andhra Pradesh,

Rep. by its Principal Secretary,

Municipal Administration and Urban

Development, Secretariat Buildings,

Hyderabad and others.

...RESPONDENTS

ORDER:

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This writ petition is filed seeking Writ of Mandamus to declare the action of the respondents in demolishing the buildings of the members of the petitioner-association bearing Municipal Door Nos.27-37-1, 27-37-163, 27-7-52, 27-14-55, 27-37-13/2, 27-37-4/1, 27-37-134/1, 27-37-134, 27-37-160 to 161, 27-16-100, 27-37-2, 27-37-2-1,27-37-11 and 27-37-163 to 165

respectively situated in M.G. Road (Bunder Road), Vijayawada, Krishna District for the purpose of road widening without prior notice calling for objections and without acquiring and paying compensation as illegal and arbitrary.

Learned counsel for the petitioners submits that the members of the petitioner-association are the owners of aforementioned premises. While so, the respondent authorities have decided to widen the M.G. Road (Bunder Road) from 60" width to 120" as per the master plan and the respondents 2 and 3 have demolished certain structures of the buildings situated in M.G. Road (Bunder Road) by taking consent letters from owners. The authorities are threatening the members of the petitioner-association to give consent letters for demolition of certain structures of the buildings and are attempting to dispossess the petitioners without giving any notice and without paying any compensation.

The only grievance of the petitioner-association is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law, are attempting to dispossess them for the purpose of road-widening.

The learned counsel for the petitioners further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the members of the petitioner-association and not to dispossess them without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition

Act, 1894. No costs.

V. ESWARAIAH, J

March 3, 2006

Note: Furnish C.C. of the order by 06.03.2006

(B/o)

DSK